



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,169	05/10/2007	Xavier Couillens	1022702-000323	5100
21839 7590 09/30/2009 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404				
EXAMINER				
KOLLAS, ALEXANDER C				
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
09/30/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Attachment to Advisory Action

Applicants' amendment filed on 9/14/2009 has been fully considered; however, the amendment has not been entered given that it raises other new issues that would require further consideration and/or search.

With respect to new issues, claims 15 has been amended to include a new limitation, i.e. that the composition comprises from 5 to 15 % by weight of compound F1; from 2 to 10 % by weight of compounds F2; from 1 to 10 % by weight of compound F3". It is the Examiner's position that this is a new issue since this is a new limitation from the Specification. Therefore, the amendment would require further consideration and/or search.

Applicant argues that Flippo is concerned with a composition that employs melam as the primary flame retardant and does not contemplate the use of more complicated melamine compounds and melamine salts. However, it is noted that the melamine condensate compounds and compositions thereof disclosed by Schlosser do not require the melamine cyanurate compounds discussed by Flippo. Schlosser itself discloses that condensation products of melamine, i.e. melam, and reaction products of melamine products such as melam with phosphoric acid, which are more effective flame retardants than low molecular weight melamine derivatives such as melamine cyanurate. That is to say, that Schlosser discloses flame retardant compositions which are free of the very melamine cyanurate compounds which Flippo discloses as having particular disadvantages. Further, while Flippo states in Paragraph [0001] that "there are some publications in which more complicated melamine compounds and melamine salts are

disclosed as flame retardants” this does not prohibit the use of melam with the phosphinate compounds taught by Schlosser.

Applicant argues that the ranges of melam disclosed by Flippo are meaningful to the specific type of composition taught by the reference and not the compositions taught by Schlosser which employs a combination of various flame retardants. However, the fact that Schlosser discloses the use of other flame retardants does not negate the use of melam in the compositions disclosed by the reference given that Schlosser itself discloses the use melam with phosphinate compounds.

With respect to Applicant's request for reconsideration it is noted that if the amendment were entered it is the Examiner's position that the amended would not overcome the prior art rejections of record given that Schlosser in view of Flippo discloses amounts of compounds F1, F2, and F3 that overlap that presently claimed.

9/24/2009

Alexander Kollias

/A. C. K./

Examiner, Art Unit 1796

/Vasu Jagannathan/
Supervisory Patent Examiner, Art Unit 1796